

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

David Lamont Brown,)	C/A No. 9:06-3042-JFA-GCK
)	
Plaintiff,)	
v.)	ORDER
)	
Major Phillip C. Anderson; and)	
Captain Middleton,)	
)	
Defendants.)	
_____)	

This matter is before the court for review of the Magistrate Judge's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

The *pro se* plaintiff, David Lamont Brown, is a detainee at the Greenwood County Detention Center. He initiated this action against the defendants pursuant to 42 U.S.C. § 1983 claiming that his constitutional rights have been violated. Specifically, the plaintiff claims that defendants have not permitted his common law wife to visit him and he seeks monetary damages. He contends that he has exhausted his administrative remedies in compliance with 42 U.S.C. § 1997e(a).

In a detailed Report and Recommendation filed with the court on November 15, 2007, the Magistrate Judge recommends that the complaint should be dismissed for failure to present a cognizable claim rising to the level of a constitutional violation. The Magistrate notes that the plaintiff has no absolute constitutional right to visitation privileges. The Report sets forth in detail the relevant facts of this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report. The court granted the plaintiff a 30-day extension of time to file objections. However, within the time limits prescribed by the local rules of this district and the 30-day extension of time, the plaintiff has failed to file objections.

After carefully reviewing the applicable law, the record in this case, and the Report and Recommendation, the court finds that the Magistrate Judge's Report fairly and accurately summarizes the facts and applies the correct principles of law. The court, therefore, adopts the recommendation of the Magistrate Judge in full and incorporates this Report by specific

reference.

It is therefore ordered that this action is dismissed for failure to state a claim upon which relief may be granted. The dismissal is without prejudice and without issuance and service of process.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

January 30, 2007
Columbia, South Carolina